

OGC HAS REVIEWED.

11 May 1949

STATINTL

MEMORANDUM FOR:
THROUGH :

[Redacted]

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SUBJECT :

[Redacted]

1. In accordance with our telephone conversation I have given this contract further review and approved it as to legal form, subject however to the following comments.

2. The requirement here is for map filing cabinets which are interchangeable with a number already in the possession of the Agency. It is our understanding that the original invitation was withdrawn in order to include the element of interchangeability in the specifications. In answer to the second invitation, we received identical bids, and the award was made by lot to the [Redacted] Two bidders did not meet the specifications: the first, because he did not provide covers and locks, and the second, because he did not furnish dust covers and interchangeable cabinets. The latter bidder, [Redacted] Inc., has given some indication that the requirement of interchangeability is prejudicial to his interest.

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3. This equipment is not a matter of initial procurement, but additional material for increased need. At least four of the six bidders have offered to supply cabinets which are interchangeable with the [Redacted] type we already have. The reasons for requiring interchangeability are elaborately explained in the statement of justification and Certificate of Award. However, we do not believe it is advisable to submit this statement of justification at the present time. Since the bidders with the lower prices did not comply with specifications which we consider reasonable and non-discriminatory, this appears to be a situation in which the award was actually made to the low bidder. If [Redacted] ultimately raises an objection which requires an answer, the need for this particular type of equipment can be explained at that time. The statement of justification should be withheld and retained on file and the Certificate of Award should be changed to the extent indicated above.

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Office of the General Counsel